HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.6403 OF 2006

DATE:31.03.2006

Between:

Gutta Tara Choudhary & another

..... PETITIONERS

AND

The Special Officer and Competent

Authority, Urban Land Ceiling, III Floor,

Chandra Vihar, Nampally, Hyderabad.

.....RESPONDENT

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.6403 OF 2006

ORDER:

Petitioners, who claim to be the owners and possessors of plot Nos. 10 and 11 in Sy.No.42 (part), Guttalabegumpet village, Serilingampally Mandal, Ranga Reddy District, filed this writ petition questioning the notification issued under Section 10(1) of the Urban Land (Ceiling & Regulation) Act, 1976 (for short 'the Act'), dated 6.1.2006 calling for objections.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue.

The case of the petitioners is that their predecessor in title Smt. C.Suryamba filed a statement in Form No.I under Section 6(1) of the Act in C.C.NO.F1/10328/76 before the respondent in respect of 7,567.62 sq.metres of land in Sy.No.42 (part) of Gutalabegumpet village apart from other lands, in total, admeasuring 20,123.76 sq.metres and on 27.6.1982 the respondent passed a final order under Section 8(4) of the Act determining an extent of 19,123.76 sq.metres in Sy.No.42 (part) of Guttalabegumpet village and S.No.100 of Miyapur village as excess land and accordingly issued final statement under Section 9 of the Act. Thereafter, the declarant filed an application on 3.5.1989 before the State Government seeking exemption of land to an extent of 19,123.76 sq.metres which was determined as excess land. The Government through memorandum No.44945/UC-II(2).89-1, dated

19.5.1989 informed the declarant that in view of G.O.Ms.No.733, Revenue (UC.II) Department, dated 31.10.1988 the land that was declared as excess vacant land in Sy.No.42 (part) of Guttala Begumpet and in Sy.No.100 of Miyapur village is within the peripheral area of Hyderabad and therefore, there is no need to issue separate orders exempting the said land, which has already been exempted under the said G.O. This Writ Petition has been filed contending that in spite of the said intimation, issuance of the impugned notification under Section 10(1) of the Act is arbitrary and illegal.

Against a notification issued by the competent authority under Section 10(1) of the Act, a person, who is claiming to be in possession of the property which is not liable to be notified under the Act, will have a right to make objections under Section 10(1) (ii) of the Act. On considering such objection, if the competent authority passes any order pursuant to the notification issued under Section 10 (1) of the Act and issues any notification under Section 10(3) of the Act, the petitioners will have a right of appeal as provided under Section 33 of the Act, to the Commissioner of Land Revenue. In view of the same, the petitioners, without filing any objections and exhausting the remedies available, cannot question the impugned notification straightaway before this Court. In that view of the matter, time is granted to the petitioners for filing objections within two weeks from today and if the notification under Section 10(3) of the Act is not been published pursuant to the notification issued under Section 10(1) of the Act, the competent authority shall consider the objections to be filed by the petitioners and pass appropriate orders thereon. If the notification under Section 10(3) of the Act has already been issued, the respondent shall intimate the issuance of such notification to the petitioners to enable them to file an appeal before the Commissioner of Land Revenue within the stipulated period. Status quo obtaining as on today with regard to the possession shall be maintained for a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of at the admission stage. No costs.

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A. GOPAL REDDY, J

31st MARCH, 2006.

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